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Indian Head Rock case set for August trial

BYLINE: Kenneth Hart, The Daily Independent, Ashland, Ky

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Oct. 24--GREENUP -- The infamous Indian Head Rock case won't be going to trial until next summer.

At a pretrial conference on Thursday, Greenup Circuit Judge Bob Conley set a trial date of Aug. 3 for Steven R. Shaffer, the Ohio historian who headed the dive team that removed the historic 8-ton boulder from the depths of the Ohio River in July of last year.

Conley also was informed by Shaffer's lead attorney, Michael Curtis, that the case would take "two weeks or longer" to try.

"You've got to be kidding me," the judge replied. "It's a simple case -- did he take it out or didn't he?"

However, Curtis said the case was actually much more complex than that. He hinted it could hinge on the rock's status as a registered antiquity.

"Was it (registered), or was it registered after the fact?" he said.

Curtis also said he also initially thought the case was going to be a simple one, "but then we started getting all this evidence."

Curtis earlier said the amount of paperwork involved in the case was so voluminous he needed another attorney to assist him. Earlier this month, Conley granted a motion by Curtis to allow Portsmouth attorney David Beck to enter the case as co-counsel for Shaffer.

Shaffer, 51, of Ironton, is charged with one count of illegally removing an object of antiquity, a Class D felony that carries a prison sentence of one to five years.

At Thursday's hearing, Curtis said Greenup Commonwealth's Attorney Clifford Duvall had made what he sarcastically referred to as a "generous" plea agreement offer that would have required his client to accept a three-year sentence.

"We had to generously decline, so we're going to have to ask the court to set (the case) down for trial," he said.

Conley asked whether it would be possible to try Shaffer and David G. Vetter, the only other person charged in the case, together. Curtis replied he had been informed earlier by Duvall, who wasn't in court Thursday, that there would be a problem with that.

Vetter, 54, of Portsmouth, faces the same charge as Shaffer and has also pleaded not guilty.

Assistant Commonwealth's Attorney Melvin C. Leonhart said additional indictments could be forthcoming in the case.

Indian Head Rock was once a navigation marker and an attraction for local residents, who would walk out into the river and carve their initials on it when the water was low. However, the boulder had remained mostly under water since the 1920s.

The rock bears the initials of some of Portsmouth's earliest settlers, along with a crude carving that resembles a face.

After it was removed from the river, the rock was taken to the Portsmouth City Garage, where it remains today.

The case has touched off a war of words between lawmakers in Kentucky and Ohio, with Kentucky calling for the boulder to be returned to the commonwealth and Ohio vowing to resist any attempts to do so.